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Appn. No.: 09/994,088
Request for Refund dated September 20, 2005IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Jeffrey Trudeau

Serial No.: 09/994,088

Atty. Docket No.: 004608.0003

Filed: November 14, 2001

Group Art Unit: 3732

For: Method And Apparatus For Clamping
Surgical Wires Or Cables

Examiner: Eduardo Robert

Confirmation No.: 8571

REQUEST FOR REFUNDCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests a refund in the amount of \$620.00. The amount of the RCE and Two Month Extension of Time filed August 11, 2005 for the above application totals \$620.00. The amount of \$1,240.00 was inadvertently paid on August 11, 2005. Applicant claims small entity and respectfully requests a refund for the overpayment.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: September 20, 2005

By:


 Binal J. Patel
 Reg. No. 42,065

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 10 South Wacker Drive
 Suite 3000
 Chicago, IL 60606
 Tel: (312) 463-5000
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Page 1 of 1

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INTELLECTUAL PROPERTY LAW 2005 SEP 26

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
U.S. Patent And Trademark Office	Binal J. Patel
COMPANY:	DATE:
	September 20, 2005
FAX NO.:	TOTAL NO. OF PAGES: (including cover sheet)
571-273-8300	8
YOUR REFERENCE NO.:	OUR REFERENCE (C/M) NO.:
	004608.00003
RE: Filing Of Request for Refund For U.S. Serial No. 09/994,088 Application Of Jeffrey Trudeau Filed November 14, 2005 Title: Method and Apparatus for Clamping Surgical Wires or Cables	

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certificate must identify each submitted paper.

U.S. Serial No. 09/994,088

Inventor: Jeffrey Trudeau

Filed: November 14, 2001

Title: Method and Apparatus for Clamping Surgical Wires or Cables

Transmittal Form (1 page), in duplicate
Request for Refund, 1 page

Docket No. 004608.00003

Burden Hour Statement: This form is estimated to take 0.09 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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PT 0788/21 (08-04)

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TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

09/594,088

Filing Date

November 14, 2001

First Named Inventor

Jeffrey Trudeau

Art Unit

3732

Examiner Name

Eduardo Robert

Attorney Docket Number

004608.00003

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply / Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Request for Refund, 1 page
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	Certificate of Transmission under 37 CFR 1.6, 1 page
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
<p>Remarks The Commissioner is authorized to charge any fees in connection with this correspondence to Deposit Account No. 18-0733. A duplicate of this sheet is enclosed.</p>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm

Banner & Witcoff, LTD.

Signature



Printed Name

Binal J. Patel

Date

September 20, 2005

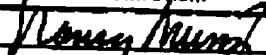
Reg. No.

42,065

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Nancy Mumm

Date

9-20-05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to be (or is by the USPTO to be) provided by the USPTO. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the burden of this collection of information should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Request For Continued Examination (RCE) Transmit U.S.P.T.O. AUG 11 2005		Application Number 09/994,088 Filing Date November 14, 2001 First Named Inventor Jeffrey Trudeau Art Unit 3732 Examiner Name Eduardo Robert Attorney Docket Number 004608.00003
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This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 ii. Other _____

b. Enclosed

i. Amendment/Reply
 ii. Affidavit(s)/Declaration(s)

iii. Information Disclosure Statement (IDS)
 iv. Other _____

2. **Miscellaneous**

a. Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(l) required)

b. Other _____

3. **Fees** The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.

a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 19-0733. I have enclosed a duplicate copy of this sheet.

i. RCE fee required under 37 C.F.R. 1.17(e)
 ii. Extension of time fee (37 C.F.R. 1.136 and 1.17) 08/15/2005 MWOLGE1 00000076-190733 09994088
 iii. Other _____

b. Check in the amount of \$ _____ enclosed 01-FC:1801 790.00 DA
 c. Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature		Date	August 11, 2005
Name (Print /Type)	Binal J. Patel	Registration No. (Attorney/Agent)	42,065

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature			
Name (Print /Type)		Date	

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Adjustment date: 11/04/2005 EEKUBAY1
 08/15/2005 MWOLGE1 00000076-190733 09994088
 01 FC:1801 790.00 CR

09994088
 11/04/2005 EEKUBAY1 00000008 190733
 395.00 DA
 225.00 DA
 01 FC:2801
 02 FC:2252

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2005 (fees effective on or after December 8, 2004)		Docket Number (Optional) 004608.00003
Application Number 09/994,088		Filed November 14, 2001
For Method And Apparatus For Clamping Surgical Wires Or Cables		
Art Unit 3732	Examiner Eduardo Robert	
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.		
The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):		
	Fee	Small Entity Fee
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60
<input checked="" type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		
<input type="checkbox"/> A check in the amount of the fee is enclosed. 08/15/2005 MWOLDGE1 09994088 190733 09994088		
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.		
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.		
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>19-0733</u> . I have enclosed a duplicate copy of this sheet.		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the applicant/inventor.
 assignee of record of the entire interest. See 37 CFR 3.71
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
 attorney or agent of record. Registration Number 42,065
 attorney or agent under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34. _____



Signature
Binal J. Patel

August 11, 2005

Date
(312) 483-5000

Typed or printed name

Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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08/15/2005 MWOLDGE1 09994088 190733 09994088
02 FC:1252 450.00 CR

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